

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

: INDICTMENT

-v.-

: 09 Cr.

MICHAEL HOWARD CLOTT,
a/k/a "Michael Howard,"
a/k/a "Michael H. Clott,"

Defendant.

09CRIM

338

APR 07 2009

COUNT ONE

The Grand Jury charges:

1. From in or about January 2008, up to and including in or about May 2008, in the Southern District of New York and elsewhere, MICHAEL HOWARD CLOTT, a/k/a "Michael Howard," a/k/a "Michael H. Clott," the defendant, unlawfully, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, for the purpose of executing such scheme and artifice and attempting so to do, did place in a post office and authorized depository for mail matter, matters and things to be sent and delivered by the Postal Service, and did deposit and cause to be deposited matters and things to be sent and delivered by private and commercial interstate carriers, and did take and did receive therefrom, and did cause to be delivered by mail and such carriers, according to the direction thereon, such matters

and things, to wit, CLOTT mailed two checks and a letter to a victim ("Victim-1") as part of a scheme to defraud Victim-1.

(Title 18, United States Code, Sections 1341 and 2).

COUNT TWO

The Grand Jury further charges:

2. From at least on or about April 11, 2008 up to and including on or about May 5, 2008, in the Southern District of New York and elsewhere, MICHAEL HOWARD CLOTT, a/k/a "Michael Howard," a/k/a "Michael H. Clott," the defendant, unlawfully, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, to wit, a scheme to commit mortgage fraud, did transmit and cause to be transmitted by means of wire communication in interstate and foreign commerce, a writing, sign, signal, picture, and sound for the purpose of executing such scheme and artifice, to wit, CLOTT caused funds to be transmitted in interstate commerce from bank accounts by falsely representing that he was given power of attorney over real property owned by a victim ("Victim-2").

(Title 18, United States Code, Sections 1343 and 2.)

COUNT THREE

The Grand Jury further charges:

3. On or about May 5, 2008, in the Southern District of New York and elsewhere, MICHAEL HOWARD CLOTT, a/k/a "Michael Howard," a/k/a "Michael H. Clott," the defendant, unlawfully, willfully, and knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Section 1028A(c), to wit, CLOTT used the name of Victim-2 to commit the wire fraud charged in Count Two of this Indictment.

(Title 18, United States Code, Sections 1028A and 2.)

FORFEITURE ALLEGATION AS TO COUNTS ONE AND TWO

4. As a result of committing the wire fraud and mail fraud offense alleged in Counts One and Two of this Indictment, MICHAEL HOWARD CLOTT, a/k/a "Michael Howard," a/k/a "Michael H. Clott," the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of these wire fraud and mail fraud offenses, including but not limited to the following:

a. At least \$375,000.00 in United States currency, in that such sum in aggregate is property representing the amount

of proceeds obtained as a result of the wire fraud and mail fraud offenses alleged in Counts One and Two.

Substitute Asset Provision

5. If any of the above-described forfeitable property, as a result of any act or omission of MICHAEL HOWARD CLOTT, a/k/a "Michael Howard," a/k/a "Michael H. Clott," the defendant, :

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

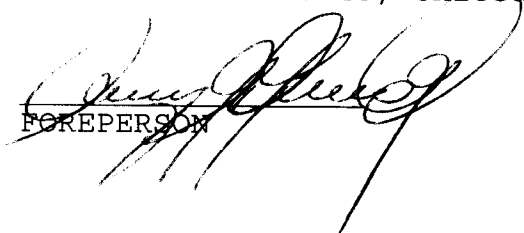
c. has been placed beyond the jurisdiction of the Court;

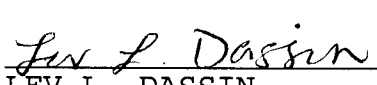
d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 981 and 1343;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)


FOREPERSON


LEV L. DASSIN
Acting United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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Defendant.

INDICTMENT

09 Cr.

(18 U.S.C. §§ 1343 and 2, 1028A and 2,
1341 and 2.)

LEV L. DASSIN
Acting United States Attorney.

A TRUE BILL


Foreperson.

4-6-09
Jb

Filed Indictment. Case assigned to J. Berman

Pitman
U.S.M.